



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

FINAL AIR QUALITY OPERATING PERMIT

Issued by the Massachusetts Department of Environmental Protection ("Department" or "MassDEP") pursuant to its authority under M.G.L. c. 111, §142B and §142D, 310 CMR 7.00 et seq., and in accordance with the provisions of 310 CMR 7.00: Appendix C.

ISSUED TO ["the Permittee"]:

NRG Canal LLC – West Tisbury
9 Freezer Road
Sandwich, Massachusetts 02563

INFORMATION RELIED UPON:

Application No. 4V02034
Transmittal No. W031299
Administrative Amendment No. SE-13-024
Transmittal No. X256344

FACILITY LOCATION:

NRG Canal LLC – West Tisbury
Fire Lane No.5 - Westside
West Tisbury, Massachusetts 02575

FACILITY IDENTIFYING NUMBERS:

AQ ID: 1200902
FMF FAC NO. 314899
FMF RO NO. 314900

NATURE OF BUSINESS:

Electrical Power Generation

**STANDARD INDUSTRIAL
CLASSIFICATION (SIC): 4911**

**NORTH AMERICAN INDUSTRIAL
CODE (NAICS): 221112**

RESPONSIBLE OFFICIAL:

Name: Robert C. O'Brien
Title: Plant Manager

FACILITY CONTACT PERSON:

Name: Leslie G. Alden
Title: Environmental Specialist III
Phone: (508) 833-5362; Fax: (508) 888-0734
Email: leslie.alden@nrgenergy.com

This operating permit shall expire on 09/25/2014.

For the Department of Environmental Protection

(Replacement pages dated (6/21/13))
Permit Chief, Bureau of Waste Prevention

(Operating Permit signed 09/25/09)
Date

TABLE OF CONTENTS

Section	Special Conditions for Operating Permit	Page No.
1	Permitted Activities and Description of Facility and Operations	3
2	Emission Unit Identification – Table 1	3
3	Identification of Exempt Activities – Table 2	4
4	Applicable Requirements	4
	A. Emission Limits and Restrictions – Table 3	
	B. Compliance Demonstration	
	- Monitoring/Testing Requirements – Table 4	6
	- Record Keeping Requirements - Table 5	7
	- Reporting Requirements – Table 6	8
	C. General Applicable Requirements	9
	D. Requirements Not Currently Applicable -Table 7	9
5	Special Terms and Conditions	9
6	Alternative Operating Scenarios	9
7	Emissions Trading	9
8	Compliance Schedule	10
Section	General Conditions for Operating Permit	Page No.
9	Fees	10
10	Compliance Certification	10
11	Noncompliance	11
12	Permit Shield	11
13	Enforcement	12
14	Permit Term	12
15	Permit Renewal	12
16	Reopening for Cause	12
17	Duty to Provide Information	13
18	Duty to Supplement	13
19	Transfer of Ownership or Operation	13
20	Property Rights	13
21	Inspection and Entry	13
22	Permit Availability	14
23	Severability Clause	14
24	Emergency Conditions	14
25	Permit Deviation	15
26	Operational Flexibility	15
27	Modifications	16
28	Legend to Abbreviated Terms In Operating Permit	17
Section	Appeal Conditions for Operating Permit	18

SPECIAL CONDITIONS FOR OPERATING PERMIT

1. PERMITTED ACTIVITIES

In accordance with the provisions of 310 CMR 7.00: Appendix C and applicable rules and regulations, the Permittee is authorized to operate air emission units as shown in Table 1 and exempt, and insignificant activities as described in 310 CMR 7.00:Appendix C(5)(h) and (i). The units described in Table 1 are subject to the terms and conditions shown in Sections 4, 5, and 6 and to other terms and conditions as specified in this permit. Emissions from the exempt activities shall be included in the total facility emissions for the emission-based portion of the fee calculation described in 310 CMR 4.00 and this permit.

DESCRIPTION OF FACILITY AND OPERATIONS:

GenOn Canal, LLC – West Tisbury owns and operates an electrical power generation facility located at Fire Lane No. 5 – Westside, West Tisbury, Massachusetts. The GenOn Canal, LLC – West Tisbury power generation equipment as identified in Table 1 consists of two (2) identical General Motors, Model No. MP-45-20 diesel engine electric generator sets identified as Emission Unit (EU) Nos. 1 and 2. Each EU consists of an engine having a maximum energy input rating of 29.315 MMBtu/hr while burning No. 2 fuel oil at an approximate rate of 209 gallons per hour and an electrical generator having an output rating of 2.5 nominal megawatts (MW). The two (2) EU's are subject to Reasonably Available Control Technology (RACT) for Sources of Oxides of Nitrogen (NO_x) in accordance with 310 CMR 7.19(8) Stationary Reciprocating Internal Combustion Engines. MassDEP issued a NO_x RACT Emission Control Plan (ECP) Final Approval No. 4B94042 on September 8, 1994 for the two (2) EU's. On April 16, 2009, MassDEP issued a Revised Emission Control Plan (ECP) Final Approval No. 4B94042, which superseded the September 8, 1994 approval in its entirety. Subsequently, on May 6, 2009, MassDEP issued a Revised Emission Control Plan (ECP) Final Approval No. 4B94042, which superseded the April 16, 2009 approval in its entirety. It has been determined that the facility has no emission units subject to 40 CFR Part 64 Compliance Assurance Monitoring (CAM). The GenOn Canal, LLC – West Tisbury facility is not a Major Source of Hazardous Air Pollutants (HAPs). Operating Permit Section 4, Tables 3, 4, 5, and 6 list the facility emission limits along with monitoring, testing, record-keeping and reporting requirements. Operating Permit Section 4, Table 7 lists regulations that are not applicable to the facility at this time.

2. EMISSION UNIT IDENTIFICATION

The following emission units (Table 1) are subject to and regulated by this Operating Permit:

Table 1			
Emission Unit	Description of Emission Unit	EU Design Capacity	Pollution Control Device
EU1	General Motors, Model No. MP-45-20 Diesel Engine Electrical Generator Set #1	29.315 MMBtu/hr	none
EU2	General Motors, Model No. MP-45-20 Diesel Engine Electrical Generator Set #2	29.315 MMBtu/hr	none

3. IDENTIFICATION OF EXEMPT ACTIVITIES

The following are considered exempt activities in accordance with the criteria contained in 310 CMR 7.00: Appendix C(5)(h):

Table 2

The list of current exempt activities is contained in the Operating Permit application and shall be updated by the Permittee to reflect changes at the facility over the permit term. An up-to-date copy of exempt activities list shall be kept on-site at the facility and a copy shall be submitted to the MassDEP's Regional Office. Emissions from these activities shall be reported on the annual emissions statement pursuant to 310 CMR 7.12.	310 CMR 7.00:Appendix C(5)(h)
--	-------------------------------

4. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS

The Permittee is subject to the emission limits/restrictions as contained in Table 3 below:

Table 3

EU#	FUEL	RESTRICTIONS	POLLUTANT	EMISSION LIMIT/STANDARD	APPLICABLE REGULATION AND/OR APPROVAL NUMBER
EU1 EU2 (note 1)	No. 2 Fuel Oil	< 1000 hours operating time during any consecutive 12 month period since January 1, 1990	NO _x	≤ 9.0 grams/brake horsepower-hour	Revised Final Approval No. 4B94042 (note 4) 310 CMR 7.19(8)(d)1. 310 CMR 7.19(8)(c)3.
		≥ 1000 hours operating time during any consecutive 12 month period since January 1, 1990	NO _x	≤ 9.0 grams/brake horsepower-hour	Revised Final Approval No. 4B94042 (note 4) 310 CMR 7.19(8)(c)3.
		S in Fuel ≤ 0.3 % by weight (note 2)	SO ₂	N/A	310 CMR 7.05(1)(a)2.
			Smoke	< No. 1 of Chart, except ≥ No.1 to < No. 2 of Chart for ≤ 6 minutes during any one hour, no time to equal or exceed No. 2 of the Chart. (note 3)	310 CMR 7.06(1)(a)
			Opacity	≤ 20 percent, except >20 to ≤ 40 percent for ≤ 2 minutes during any one hour, at no time to exceed 40 percent.	310 CMR 7.06(1)(b)

Table 3 Notes:

- 1** Compliance with emission limit(s)/standard(s) shall be based on a one-hour averaging time.
- 2** In accordance with 310 CMR 7.05(1)(a)2. the burning of any No. 2 (distillate) fuel oil shall have a sulfur content not to exceed 0.17 pounds of sulfur per million Btu heat release potential (approximately equal to 0.3% sulfur content fuel).
- 3** Chart means the Ringelmann Scale for grading the density of smoke, as published by the United States Bureau of Mines and as referred to in the Bureau of Mines Circular No. 8333, or any smoke inspection guide approved by the MassDEP.
- 4** Revised Emission Control Plan (ECP) Final Approval No. 4B94042 or Revised Final Approval No. 4B94042 or Approval No. 4B94042 - as noted in the Operating Permit, refers to the Revised Emission Control Plan (ECP) Final Approval No. 4B94042 issued by MassDEP on May 6, 2009 which superseded Approval No. 4B94042 dated April 16, 2009

Table 3 Key:

EU - Emission Unit

OP – Operating Permit

S in Fuel - Sulfur in Fuel

lb/MMBtu - pounds per million British Thermal Units

NO_x - Oxides of Nitrogen

< - Less Than

≤ - Less Than or Equal To

> - Greater Than

≥ - Greater than or Equal To

N/A = Not Applicable

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to the monitoring/testing, record keeping, and reporting requirements as contained in Tables 4, 5, and 6 below and 310 CMR 7.00: Appendix C (9) and (10), as well as the applicable requirements contained in Table 3:

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
EU1 EU2	1) In accordance with 310 CMR 7.19(8)(d)2., for each engine, install and maintain an elapsed time meter to indicate, in cumulative hours, the elapsed engine operating time for the previous 12 month period.
	2) In accordance with 310 CMR 7.19(8)(d)3., determine the hours of operation for each engine for the previous 12 month period on a monthly basis, as measured by the elapsed time meter.
	3) In accordance with 310 CMR 7.19(13)(d)3., for each engine, monitor the type fuel(s) and quantity burned each day, heat content of each fuel, and the total heating value of the fuel consumed for each day.
	4) In accordance with 310 CMR 7.19(13)(a)9., if any stationary reciprocating internal combustion engine has operated 1000 hours or more during any consecutive 12 month period, compliance with the applicable NO _x emission limit/standard as stated in 310 CMR 7.19(8)(c)3. shall be demonstrated by performing an initial stack test as specified in 310 CMR 7.19(13)(c) and recordkeeping as specified in 310 CMR 7.19(13)(d) and Revised Final Approval No. 4B94042. In accordance with 310 CMR 7.19(13)(a)9, for any engine operating less than 1000 hours per year compliance shall be determined by recordkeeping as required in 310 CMR 7.19(8)(d) and Approval 4B94042.
	5) Visible emissions (Smoke and/or Opacity) shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9. This method shall also apply to any detached plumes.
	6) Pursuant to the MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2., demonstrate compliance with the fuel oil sulfur content requirements in Table 3 of this operating permit and at 310 CMR 7.05(1)(a)2. by obtaining and maintaining a shipping receipt, including analysis, from the fuel supplier for each shipment. The analysis of sulfur content of the fuel oil shall be in accordance with the applicable American Society for Testing Materials (ASTM) test methods or any other method approved by the MassDEP and EPA. Fuel oil sulfur information may be provided by fuel oil suppliers.
	7) In accordance with 310 CMR 7.13(1), any person owning, leasing, operating or controlling a facility for which the MassDEP has determined that stack testing is necessary to ascertain compliance with the MassDEP 's regulations or design approval provisos shall cause such stack testing: (a) to be conducted by a person knowledgeable in stack testing, (b) to be conducted in accordance with procedures contained in a test protocol which has been approved by the MassDEP, and (c) to be conducted in the presence of a representative of the MassDEP when such is deemed necessary.

Table 4	
EU#	MONITORING/TESTING REQUIREMENTS
EU1 EU2	<p>8) In accordance with 310 CMR 7.19(13)(c) <u>Stack Testing</u>, any person required to demonstrate compliance with a NOx emission standard contained in 310 CMR 7.19 by stack testing shall comply with 310 CMR 7.19(13)(c). That person shall:</p> <p>(a) submit a pretest protocol for the required emission test for review and Department approval at least 60 days prior to the anticipated date of testing;</p> <p>(b) include in the pretest protocol, a description of sampling point locations, sampling equipment, sampling and analytical procedures, and the operating conditions for the required testing;</p> <p>(c) conduct compliance stack testing in accordance with procedures set forth in Appendix A of 40 CFR Part 60 or another method approved by the Department and EPA;</p> <p>(d) perform the initial compliance stack test on the emission unit before August 1, 1995 for existing emission units, or within 90 days of continuous operation for new emission units to demonstrate compliance;</p> <p>(e) perform the annual compliance test, where annual compliance stack testing is required either by 310 CMR 7.00 or in the approved emission control plan, on the emission unit prior to October 1 of each year beginning 1995;</p> <p>(f) submit the emission test report for the review and written Department approval within 60 days of the completion of the compliance stack testing.</p>
	<p>9) Monitor operations such that information may be compiled for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p>

Table 5	
EU#	RECORD KEEPING REQUIREMENTS
EU1 EU2	<p>1) In accordance with 310 CMR 7.19(8)(d)3, maintain monthly records of the determination of hours of operation for each engine for each 12 month period, based on the elapsed time meter measurements.</p>
	<p>2) In accordance with 310 CMR 7.19(13)(d)8., maintain all records required by 310 CMR 7.19(13)(d) for a period of five years in a permanently bound log book or any other form acceptable to the Department including computer retained and generated data.</p>
	<p>3) In accordance with 310 CMR 7.19(13)(d)3., for each engine, maintain records of the type(s) of fuel burned each day, the quantity of fuel burned each day, heat content of fuel, and total heating value of fuel consumed for each day.</p>
	<p>4) In accordance with 310 CMR 7.00: Appendix C(9)(d), maintain records of visible emissions (Smoke and/or Opacity) determined in accordance with EPA Test Method 9, as specified in 40 CFR Part 60, Appendix A .</p>
	<p>5) Pursuant to the MassDEP's authority through 310 CMR 7.00: Appendix C(9)(b)2. maintain fuel oil analysis results used to demonstrate compliance with fuel oil sulfur content requirements.</p>
	<p>6) Maintain records for the annual preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.</p>
	<p>7) Keep copies of Source Registration/Emission Statement Forms submitted annually to the MassDEP as required per 310 CMR 7.12(3)(b).</p>
	<p>8) In accordance with 310 CMR 7.00: Appendix C(10)(b), maintain records of all monitoring data and supporting information required by this Operating Permit on site for five (5) years from the date of the monitoring sample, measurement, report or initial Operating Permit Application.</p>

Table 6	
EU#	REPORTING REQUIREMENTS
EU1 EU2	1) In accordance with 310 CMR 7.19(8)(d)4. and Revised Final Approval No. 4B94042, notify the MassDEP, in writing, attention Bureau of Waste Prevention, Permit Chief, if the engine has operated 1000 hours or more during any consecutive twelve (12) month period and the facility is subject to the NO _x emission standard/limit in 310 CMR 7.19(8)(c)3.
	2) In accordance with 310 CMR 7.19(13)(d)9., submit compliance records within ten (10) days of written request by the MassDEP or EPA.
	3) In accordance with 310 CMR 7.13(1)(d), submit the test results of any testing required by the MassDEP.
	4) In accordance with 310 CMR 7.00: Appendix C(10)(c) submit by January 30 and July 30 for the previous six months respectively, a summary of all monitoring data and related supporting information to the MassDEP.
	5) Submit Annual Compliance report to the MassDEP and EPA by January 30 of each year and as required by General Condition 10 of this Permit.
	6) Promptly report to the MassDEP all instances of deviations from Permit requirements by telephone or fax, within three days of discovery of such deviation, as provided in 310 CMR 7.00: Appendix C(10)(f) and General Condition 25.
	7) All required reports must be certified by a responsible official as provided in 310 CMR 7.00: Appendix C(10)(h).
	8) All MassDEP notifications and reporting required herein shall be made to the attention of: Massachusetts Department of Environmental Protection, BWP, 20 Riverside Drive, Lakeville, Massachusetts 02347 ATTN: Permit Chief Phone: (508) 946-2779; Fax: (508) 947-6557
	9) The Permittee must notify the MassDEP by telephone or fax as soon as possible, but in any case no later than three (3) business days after the occurrence of any upsets or malfunctions to the facility equipment, air pollution control equipment, or monitoring equipment which result in an excess emission to the air and/or a condition of air pollution.
	10) Submit a Source Registration/Emission Statement Form to the MassDEP on an annual basis as required by 310 CMR 7.12.

C. GENERAL APPLICABLE REQUIREMENTS

The Permittee shall comply with all generally applicable requirements contained in 310 CMR 7.00 et. seq. and 310 CMR 8.00 et. seq., when subject.

D. REQUIREMENTS NOT CURRENTLY APPLICABLE

The Permittee is currently not subject to the following requirements:

Table 7	
REGULATION	DESCRIPTION
310 CMR 7.16	Reduction of Single Occupant Commuter Vehicle Use
40 CFR Part 64	Compliance Assurance Monitoring
42 U.S.C. 7401, §112(r)	Prevention of Accidental Releases
42 U.S.C. 7401, §601	Stratospheric Ozone

5. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to the following special terms and conditions that are not contained in Table 3, 4, 5, and 6:

- a) EU1 and EU2 shall continue to be equipped and operated with exhaust silencers so that sound emissions from the engines do not cause or contribute to a condition of air pollution. (State Only Applicable per 310 CMR 7.10: Noise)
- b) Should any nuisance condition(s) occur as a result of the operation of EU1 and/or EU2 then appropriate steps shall immediately be taken to abate said nuisance condition(s). (State Only Applicable per 310 CMR 7.01(1))
- c) The two (2) stationary reciprocating internal combustion engines (EU1 and EU2) shall continue to emit through two (2) separate stacks, each having the following parameters: (State Only Applicable per Application No. 4V02034)

Stack Height	17.5 feet
Stack Exit Diameter	42 inches
Stack Material	Metal
- d) US EPA proposed 40 CFR 63 Subpart ZZZZ National Emission Standards For Hazardous Air Pollutants For Stationary Reciprocating Internal Combustion (RICE), which includes, but is not limited to existing stationary RICE located at an area source of HAP emissions. The Permittee shall submit a Minor Modification in accordance with 310 CMR 7.00 Appendix C(8) to incorporate applicable requirements of 40 CFR 63 Subpart ZZZZ into the facility's Operating Permit within 18 months of the rule becoming final.

6. ALTERNATIVE OPERATING SCENARIOS

The Permittee did not request alternative operating scenarios in its operating permit application.

7. EMISSIONS TRADING

- (a) Intra-facility emission trading
 The facility did not request intra-facility emissions trading in its operating permit application.
- (b) Inter-facility emission trading

The Permittee did not request inter-facility emissions trading in its operating permit application.

8. COMPLIANCE SCHEDULE

The Permittee has indicated that the facility is in compliance and shall remain in compliance with the applicable requirements contained in Sections 4 and 5.

In addition, the Permittee shall comply with any applicable requirements that become effective during the permit term.

GENERAL CONDITIONS FOR OPERATING PERMIT

9. FEES

The Permittee has paid the permit application processing fee and shall pay the annual compliance fee in accordance with the fee schedule pursuant to 310 CMR 4.00.

10. COMPLIANCE CERTIFICATION

All documents submitted to the MassDEP shall contain certification by the responsible official of truth, accuracy, and completeness. Such certification shall be in compliance with 310 CMR 7.01(2) and contain the following language:

"I certify that I have personally examined the foregoing and am familiar with the information contained in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including possible fines and imprisonment."

The "Operating Permit Reporting Kit" contains instructions and the Annual Compliance Report and Certification and the Semi-Annual Monitoring Summary Report and Certification. The "Operating Permit Reporting Kit" is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>.

(a) Annual Compliance Report and Certification

The Responsible Official shall certify, annually for the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 to the MassDEP and to the Regional Administrator, U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status and whether compliance was continuous or intermittent during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
- iv. any additional information required by the MassDEP to determine the compliance status of the source.

(b) Semi-Annual Monitoring Summary Report and Certification

The Responsible Official shall certify, semi-annually on the calendar year, that the facility is in compliance with the requirements of this permit. The report shall be postmarked or delivered by January 30 and July 30 to the MassDEP. The report shall be submitted in compliance with the submission requirements below.

The compliance certification and report shall describe:

- i. the terms and conditions of the permit that are the basis of the certification;
- ii. the current compliance status during the reporting period;
- iii. the methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods;
- iv. whether there were any deviations during the reporting period;
- v. if there are any outstanding deviations at the time of reporting, and the Corrective Action Plan to remedy said deviation;
- vi. whether deviations in the reporting period were previously reported;
- vii. if there are any outstanding deviations at the time of reporting, the proposed date of return to compliance;
- viii. if the deviations in the reporting period have returned to compliance and date of such return to compliance; and
- ix. any additional information required by the MassDEP to determine the compliance status of the source.

11. NONCOMPLIANCE

Any noncompliance with a permit condition constitutes a violation of 310 CMR 7.00: Appendix C and the Clean Air Act, and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the MassDEP and/or EPA. Noncompliance may also be grounds for assessment of administrative or civil penalties under M.G.L. c.21A, §16 and 310 CMR 5.00; and civil penalties under M.G.L. c.111, §142A and 142B. This permit does not relieve the Permittee from the obligation to comply with any other provisions of 310 CMR 7.00 or the Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this permit.

12. PERMIT SHIELD

(a) This facility has a permit shield provided that it operates in compliance with the terms and conditions of this permit. Compliance with the terms and conditions of this permit shall be deemed compliance with all applicable requirements specifically identified in Sections 4, 5, 6, and 7, for the emission units as described in the Permittee's application and as identified in this permit.

Where there is a conflict between the terms and conditions of this permit and any earlier approval or permit, the terms and conditions of this permit control.

(b) The MassDEP has determined that the Permittee is not currently subject to the requirements listed in Section 4, Table 7.

(c) Nothing in this permit shall alter or affect the following:

- (i) the liability of the source for any violation of applicable requirements prior to or at the time of permit issuance.
- (ii) the applicable requirements of the Acid Rain Program, consistent with 42 U.S.C. §7401, §408(a); or
- (iii) the ability of EPA to obtain information under 42 U.S.C. §7401, §114 or §303 of

the Act.

13. ENFORCEMENT

The following regulations found at 310 CMR 7.02(8)(h) Table 6 for wood fuel, 7.04(9), 7.05(8), 7.09 (odor), 7.10 (noise), 7.18(1)(b), 7.21, 7.22, 7.70 and any condition(s) designated as "state only" are not federally enforceable because they are not required under the Act or under any of its applicable requirements. These regulations and conditions are not enforceable by the EPA. Citizens may seek equitable or declaratory relief to enforce these regulations and conditions pursuant to Massachusetts General Law Chapter 214, Section 7A

All other terms and conditions contained in this permit, including any provisions designed to limit a facility's potential to emit, are enforceable by the MassDEP, EPA and citizens as defined under the Act.

A Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

14. PERMIT TERM

This permit shall expire on the date specified on the cover page of this permit, which shall not be later than the date 5 years after issuance of this permit.

Permit expiration terminates the Permittee's right to operate the facility's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

15. PERMIT RENEWAL

Upon the MassDEP's receipt of a complete and timely application for renewal, this facility may continue to operate subject to final action by the MassDEP on the renewal application.

In the event the MassDEP has not taken final action on the operating permit renewal application prior to this permit's expiration date, this permit shall remain in effect until the MassDEP takes final action on the renewal application, provided that a timely and complete renewal application has been submitted in accordance with 310 CMR 7.00: Appendix C(13).

16. REOPENING FOR CAUSE

This permit may be modified, revoked, reopened, and reissued, or terminated for cause by the MassDEP and/or EPA. The responsible official of the facility may request that the MassDEP terminate the facility's operating permit for cause. The MassDEP will reopen and amend this permit in accordance with the conditions and procedures under 310 CMR 7.00: Appendix C(14).

The filing of a request by the Permittee for an operating permit revision, revocation and reissuance, or termination, or a notification of a planned change or anticipated noncompliance does not stay any operating permit condition.

17. DUTY TO PROVIDE INFORMATION

Upon the MassDEP's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall furnish to the MassDEP copies of records that the Permittee is required to retain by this permit.

18. DUTY TO SUPPLEMENT

The Permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The Permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after the date a complete renewal application was submitted but prior to release of a draft permit.

The Permittee shall promptly, on discovery, report to the MassDEP a material error or omission in any records, reports, plans, or other documents previously provided to the MassDEP.

19. TRANSFER OF OWNERSHIP OR OPERATION

This permit is not transferable by the Permittee unless done in accordance with 310 CMR 7.00: Appendix C(8)(a). A change in ownership or operation control is considered an administrative permit amendment if no other change in the permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage and liability between current and new Permittee, has been submitted to the MassDEP.

20. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

21. INSPECTION AND ENTRY

Upon presentation of credentials and other documents as may be required by law, the Permittee shall allow authorized representatives of the MassDEP, and EPA to perform the following:

- (a) enter upon the Permittee's premises where an operating permit source activity is located or emissions-related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- (d) Sample or monitor at reasonable times any substances or parameters for the purpose of assuring compliance with the operating permit or applicable requirements as per 310 CMR 7.00 Appendix C(3)(g)(12).

22. PERMIT AVAILABILITY

The Permittee shall have available at the facility, at all times, a copy of the materials listed under

310 CMR 7.00: Appendix C(10)(e) and shall provide a copy of the permit, including any amendments or attachments thereto, upon request by the MassDEP or EPA.

23. SEVERABILITY CLAUSE

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

24. EMERGENCY CONDITIONS

The Permittee shall be shielded from enforcement action brought for noncompliance with technology based¹ emission limitations specified in this permit as a result of an emergency². In order to use emergency as an affirmative defense to an action brought for noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) an emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- (b) the permitted facility was at the time being properly operated;
- (c) during the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
- (d) the Permittee submitted notice of the emergency to the MassDEP within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

If an emergency episode requires immediate notification to the Bureau of Waste Site Cleanup/Emergency Response immediate notification to the appropriate parties should be made as required by law.

25. PERMIT DEVIATION

Deviations are instances where any permit condition is violated and not reported as an emergency pursuant to section 24 of this permit. Reporting a permit deviation is not an affirmative defense for action brought for noncompliance. Any reporting requirements listed in Table 6. of this Operating Permit shall supercede the following deviation reporting requirements, if applicable.

The Permittee shall report to the MassDEP's Regional Bureau of Waste Prevention the following deviations from permit requirements, by telephone or fax, within three (3) days of discovery of such deviation:

¹ Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

² An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

- Unpermitted pollutant releases, excess emissions or opacity exceedances measured directly by CEMS/COMS, by EPA reference methods or by other credible evidence, which are ten percent (10%) or more above the emission limit.
- Exceedances of parameter limits established by your Operating Permit or other approvals, where the parameter limit is identified by the permit or approval as surrogate for an emission limit.
- Exceedances of permit operational limitations directly correlated to excess emissions.
- Failure to capture valid emissions or opacity monitoring data or to maintain monitoring equipment as required by statutes, regulations, your Operating Permit, or other approvals.
- Failure to perform QA/QC measures as required by your Operating Permit or other approvals for instruments that directly monitor compliance.

For all other deviations, three (3) day notification is waived and is satisfied by the documentation required in the subsequent Semi-Annual Monitoring Summary and Certification. Instructions and forms for reporting deviations are found in the Massachusetts Department of Environmental Protection Bureau of Waste Prevention Air Operating Permit Reporting Kit, which is available to the Permittee via the MassDEP's web site, <http://www.mass.gov/dep/air/approvals/aqforms.htm#op>. This report shall include the deviation, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and the corrective actions or preventative measures taken.

Deviations that were reported by telephone or fax within 3 days of discovery, said deviations shall also be submitted in writing via the Operating Permit Deviation Report to the regional Bureau of Waste Prevention within ten (10) days of discovery. For deviations which do not require 3 day verbal notification, follow-up reporting requirements are satisfied by the documentation required in the aforementioned Semi-Annual Monitoring Summary and Certification.

26. OPERATIONAL FLEXIBILITY

The Permittee is allowed to make changes at the facility consistent with 42 U.S.C. §7401, §502(b)(10) not specifically prohibited by the permit and in compliance with all applicable requirements provided the Permittee gives the EPA and the MassDEP written notice fifteen days prior to said change; notification is not required for exempt activities listed at 310 CMR 7.00: Appendix C(5)(h) and (i). The notice shall comply with the requirements stated at 310 CMR 7.00: Appendix C(7)(a) and will be appended to the facility's permit. The permit shield allowed for at 310 CMR 7.00: Appendix C(12) shall not apply to these changes.

27. MODIFICATIONS

- (a) Administrative Amendments - The Permittee may make changes at the facility which are considered administrative amendments pursuant to 310 CMR 7.00: Appendix C(8)(a)1., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(b).
- (b) Minor Modifications - The Permittee may make changes at the facility which are considered minor modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)2., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(d).
- (c) Significant Modifications - The Permittee may make changes at the facility which are considered significant modifications pursuant to 310 CMR 7.00: Appendix C(8)(a)3., provided they comply with the requirements established at 310 CMR 7.00: Appendix C(8)(c).
- (d) No permit revision shall be required, under any approved economic incentives program,

marketable permits program, emission trading program and other similar programs or processes, for changes that are provided in this operating permit. A revision to the permit is not required for increases in emissions that are authorized by allowances acquired pursuant to the Acid Rain Program under Title IV of the Act, provided that such increases do not require an operating permit revision under any other applicable requirement.

28. LEGEND OF ABBREVIATED TERMS IN OPERATING PERMIT

*Not all abbreviations are present in every Operating Permit

< - Less Than
≤ - Less Than or Equal To
> - Greater Than
≥ - Greater than or Equal To
#/hr - Pounds Per Hour
10⁶ BTU/hr - 1,000,000 BTU Per Hour
AOS – Alternative Operating Scenario
AQCR - Air Quality Control Region
CEM - Continuous Emission Monitor
CO - Carbon Monoxide
EU – Emission Unit
PCD – Pollution Control Device
EPA - Environmental Protection Agency
FMF FAC. NO. - Facility Master File Number
FMF RO NO. - Facility Master File Regulated Object Number
FT³/day - Cubic Feet Per Day
HHV - Higher Heating Value
ISO - Represent 59°F, 60% Relative Humidity, 29.92 Inches Mercury At Sea Level
MADEP - Massachusetts Department of Environmental Protection
MMBTU/hr - Million British Thermal Units Per Hour
NH₃ - Ammonia
NO_x - Nitrogen Oxides
PB - Lead
PLT ID - Plant Identification
PM - Particulate Matter
PPM - Parts Per Million
PTE - Potential To Emit
SO₂ - Sulfur Dioxide
TPY - Tons Per Year
VOC - Volatile Organic Compound
HAPs – Hazardous Air Pollutants, as listed by EPA pursuant to 42 U.S.C. 7401, Section 112
MassDEP – Massachusetts Department of Environmental Protection
BWP – Bureau of Waste Prevention
SERO – Southeast Regional Office of MassDEP
Revised Emission Control Plan (ECP) Final Approval No. 4B94042 or Revised Final Approval No. 4B94042 or Approval No. 4B94042 - as noted in the Operating Permit, refers to the Revised Emission Control Plan (ECP) Final Approval No. 4B94042 issued by MassDEP on May 6, 2009 which superseded Approval No. 4B94042 dated April 16, 2009

APPEAL CONDITIONS FOR OPERATING PERMIT

This permit is an action of the MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing within 21 days of issuance of this permit. In addition, any person who participates in any public participation process required by the Federal Clean Air Act, 42 U.S.C. §7401, §502(b)(6) or under 310 CMR 7.00: Appendix C(6), with respect to the MassDEP's final action on operating permits governing air emissions, and who has standing to sue with respect to the matter pursuant to federal constitutional law, may initiate an adjudicatory hearing pursuant to Chapter 30A, and may obtain judicial review, pursuant to Chapter 30A, of a final decision therein.

If an adjudicatory hearing is requested, the facility must continue to comply with all existing federal and state applicable requirements to which the facility is currently subject, until a final decision is issued in the case or the appeal is withdrawn. During this period, the application shield shall remain in effect, and the facility shall not be in violation of the Act for operating without a permit.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to The Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

The Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid unless the appellant is exempt or granted a waiver as described below.

The filing fee is not required if the appellant is a city or town (or municipal agency) county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

The MassDEP may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.